

# Independent Mental Capacity Advocacy



The Mental Capacity Act 2005 requires local authorities and NHS bodies to instruct an Independent Mental Capacity Advocate (IMCA) when:

- an eligible decision is to be made
- the person (16 years or over) has been assessed as lacking capacity to make that decision
- there are no friends or family willing, able or appropriate to be consulted as part of the best interests decision making process.



IMCA instructions can also be made for safeguarding of vulnerable adults when protective measures are proposed (even if the person has friends or family).



An Independent Mental Capacity Advocate (known as an IMCA) is trained to ask questions and raise issues on a person's behalf.



An IMCA can support with:

- Serious Medical Treatment (SMT) decisions – provision, withholding, withdrawal e.g. DNAR, artificial feeding
- Change of Accommodation (COA) decisions – hospital stay of 28 days or more, nursing/ residential stay of 8 weeks or more
- safeguarding adults investigation
- accommodation reviews.



Any information or reports provided by an IMCA must be taken into account as part of the process of working out whether a proposed decision is in the person's best interest.



For more information on the Mental Capacity Act (2005) and eligibility for an IMCA please follow the link/s below.

### **ADD LINKS HERE**

**[Social care and support guide - NHS \(www.nhs.uk\)](http://www.nhs.uk)**

**[Making decisions. The Independent Mental Capacity Advocate \(IMCA\) service \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)**